

Docket #PF-0126-1 DIV

#3/B

"Express Mail" mailing label number EM 062 546 944 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Assistant Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C. 20231 on 21-sept.

By: [Signature]

Printed: Tolan J. Cherry

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING A PATENT APPLICATION UNDER 37 CFR 1.53(b)

Assistant Commissioner for Patents
Box PATENT APPLICATION
Washington, D.C. 20231

Dear Sir:

This is a request for filing a **DIVISIONAL** application under 37 CFR 1.53(b) of pending prior application Serial No. 08/715,204, filed on September 18, 1996, entitled NOVEL TUMOR PROTEINS.

1. ☒ Enclosed is a copy of the prior application, U. S. Application Serial No. 08/715,204 filed September 17, 1996, including the oath or declaration as originally filed.
2. ☒ With regard to the requirement of 37 CFR 1.821(d) which requires that a copy of the Sequence Listing in computer readable form (CRF) be submitted, Applicants submit that the computer readable form of the "Sequence Listing" in the instant divisional/continuation application, is identical with that filed for Serial No. 08/715,204, filed September 17, 1996, to which priority is claimed. In accordance with 37 C.F.R. §1.821(e), please use the computer readable form filed with U.S. Application Serial No. 08/715,204 as the computer readable form for the instant divisional application. It is understood that the Patent and Trademark Office will make the necessary change in application number and filing date for the computer readable form that will be used for the instant divisional application.
3. ☐ A verified statement to establish small entity status under 37 CFR 1.9 and 1.27 was filed in prior application number 08/ and such status is still proper and desired (37 CFR 1.28(a)).
4. ☒ Cancel in this application original claims 1-12 and 14-19 of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)
5. ☒ The inventor(s) of the invention being claimed in this application is (are): Olga Bandman, Janice Au-Young, Surya K. Goli, Jennifer L. Hillman
6. ☒ In accordance with 37 CFR 1.63(d) a copy of the originally signed declaration showing applicants' signature(s) as filed on January 6, 1997 is enclosed.

1
B

7. X Amend the specification by inserting before the first line the sentence: "This application is a ^{now Patent} divisional application of U.S. application serial number 08/715,204, filed September 17, 1996," ^{No. 5,973,286}

8. X The filing fee is calculated below:

Claims	Number Filed	Minus	Number Extra	Other Than Small Entity		Basic Fee
				Rate	Fee	\$790.00
Total Claims	6	-20	0	x \$22	0	\$ 0
Indep. Claims	2	-3	0	x \$82	0	\$0
— Multiple Dependent Claim(s), if any				+ \$270		\$ 0

TOTAL FILING FEE \$ 790.00

9. ___ An extension of time in the above-named prior application has been requested and the fees therefor have been authorized in said application.

10. X Please charge Deposit Amount No. 09-0108 in the amount of \$ 790.00.

The Commissioner is hereby authorized to charge any additional fees which may be required or credit any overpayment to Account No. 09-0108.

Duplicate copies of these papers are enclosed.

11. X New formal drawings are enclosed.

12. ___ Priority of foreign application number _____, filed on _____ in _____ is claimed under 35 U.S.C. 119.

13. X The prior application is assigned of record to Incyte Pharmaceuticals, Inc.

14. X A preliminary amendment is enclosed.

15. X Also enclosed: Information Disclosure Statement
List of References Cited by Applicants
Copy of an Associate Power of Attorney filed May 15, 1998

16. X The power of attorney of the prior application is to:

LUCY J. BILLINGS
MICHAEL C. CERRONE

Registration No. 36,749
Registration No. 39,132

- ☐ a. ____ The power of attorney appears in the original papers in the prior application.
- b. ☒ A copy of the associate power in the prior application is enclosed.
- c. ☒ An executed Associate Power of Attorney is enclosed.
- c. ☒ Address all future correspondence to: (May only be completed by applicant, or attorney or agent of record.)

Legal Department
INCYTE PHARMACEUTICALS, INC.
PATENT DEPARTMENT
3174 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555, Fax: (650) 845-4166

Date: 29 September 98

By:

Leanne C. Price
Leanne C. Price
Reg. No. 42,090

- ☐ Inventor(s)
- ☐ Assignee of complete interest
- ☐ Attorney or agent of record
- ☒ Filed under 37 CFR 1.34(a)
- ☐ Registration number if acting under 37 CFR 1.34(a) 42,090

"Express Mail" mailing label number EM 062 546 944 US I hereby certify that this document and referenced attachments are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR § 1.10, addressed to: Assistant Commissioner for Patents, Box PATENT APPLICATION, Washington, D.C. 20231 on 29 Sept 90

By: _____

Printed: _____

John T. Cherry
John T. Cherry

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Bandman et al.

Title: A NOVEL TUMOR PROTEIN

Serial No.: To Be Assigned

Filing Date:

Herewith

Examiner: To Be Assigned

Group Art Unit:

To Be Assigned

Official Draftsman

Assistant Commissioner for Patents

Washington, D.C. 20231

SUBMISSION OF FORMAL DRAWINGS

Sir:

Transmitted herewith are Figures 1A, 1B, 1C, 2A, 2B, 2C, 3, 4A, 4B, 5, 6, 7, 8, 9, and 10, as fifteen (15) sheets of formal drawings for this application. Each sheet of drawing indicates the identifying indicia suggested in 37 C.F.R. 1.84(c) on the reverse side of the drawings.

Applicants believe that no fee is due with this paper. However, if the Commissioner determines that a fee is necessary, the Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 09-0108. A duplicate copy of this communication is enclosed.

If there are any questions regarding the above, the Examiner is invited to call the undersigned at 650-855-0555.

Respectfully submitted,
INCYTE PHARMACEUTICALS, INC.

Date: 29 September 90

Leanne C. Price
Leanne C. Price
Reg. No. 42,090

3174 Porter Drive
Palo Alto, California 94304
Phone: (650) 855-0555
Fax: (650) 845-4166

0915197-09098
866260-262960